

**DUISTERS – U.S. Pat. Appln. No. 10/807,408**  
**Attorney Docket No.: 081468/0308928**

**- Amendment Under §1.116 -**

### REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Final Office Action dated March 8, 2006, the Examiner rejected claims 25-26, and 29-30, under 35 U.S.C. §102(b), as allegedly being anticipated by Suzuki '109 (U.S. Patent Pub. No. 2002/0012109); rejected claims 1-12, 21, 27-28, and 31-32, under 35 U.S.C. §103(a), as allegedly being unpatentable in view of Suzuki '109 and Hunter '598 (U.S. Patent Pub. No. 2005/0199598); rejected claims 14, 22, and 23, under 35 U.S.C. §103(a), as allegedly being unpatentable in view of Suzuki '109 and Taniguchi '863 (U.S. Patent Pub. No. 2002/0008863); rejected claims 15-20, and 24, under 35 U.S.C. §103(a), as allegedly being unpatentable in view of Suzuki '109 and Murayama '006 (U.S. Patent. No. 6,341,006).

The Examiner also objected to claim 24 as allegedly lacking antecedent bases.

By this Amendment, Applicants have amended claims 1, 22, 24, 25, 27, 29, and 31 to provide a clearer presentation of the claimed subject matter and have cancelled claim 21, without prejudice or disclaimer. Applicants submit that no new matter has been introduced. As such, claims 1-12, 14-20, and 22-32 are currently presented for examination, of which claims 1, 27, 29, and 31 are independent. Furthermore, the changes to claim 24 cure the informalities identified by the Examiner and the immediate withdrawal of the objection to claim 24 is respectfully requested.

Applicants respectfully traverse the prior art rejections, under 35 U.S.C. §102(b), §103(a), for the following reasons:

**I. Prior Art Rejections Under 35 U.S.C. §102(b), §103(a).**

As indicated above, amended independent claim 1 now positively recites that the first housing includes a first chamber, a first optically transmissive window, a

**DUISTERS – U.S. Pat. Appln. No. 10/807,408**  
**Attorney Docket No.: 081468/0308928**

**- Amendment Under §1.116 -**

second optically transmissive window, at least one moveable lens positioned inside said first chamber, and a linear motor and at least one gas bearing within the first chamber for contactlessly moving the moveable lens. These features are amply supported by the embodiments described in the Specification. (See, e.g., *Specification*, par. [0097] – [0109]; FIGs. 4, 5).

Unlike the present invention, there is nothing in the references of record that teach the combination of features recited in claim 1. In particular, Suzuki '109 merely discloses that five lens groups 236-240 are driven by corresponding piezo-electric driving elements 242-246. (See, Suzuki '109: par. [0148]; FIG. 8). As such, there is nothing in Suzuki '109 teaches or suggests the use of a linear motor and at least one gas bearing within the first chamber for contactlessly moving the moveable lens, as required by claim 1.

Moreover, as best understood, none of the references are capable of curing the deficiencies noted above relative to Suzuki '109. For example, the Examiner relied on the Hunter '598 reference as allegedly teaching the use of air bearings. However, Hunter '598 merely discloses the use of an air bearing sled 89 positioned on a V-block assembly 81 of a projection apparatus. (See, e.g., Hunter '598: par. [0120]). Thus, Hunter '598 clearly fails to teach or suggest the use of a linear motor and at least one gas bearing within the first chamber for contactlessly moving the moveable lens, as required by claim 1.

The Examiner also asserted that the Taniguchi '863 reference teaches a variety of driving mechanisms. However, Taniguchi '863 only teaches that intermediate lens mount 66 is vertically moved “by actuating a driving mechanism (e.g., a motor, air piston, piezoelectric element, etc.).” (See, e.g., Taniguchi '863: par. [0098]). To the extent that such a parenthetical is capable of actually teaching, Taniguchi '863 remains silent as to the use of a linear motor and at least one gas bearing within the first chamber for contactlessly moving the moveable lens, as required by claim 1.

DUISTERS - U.S. Pat. Appln. No. 10/807,408  
Attorney Docket No.: 081468/0308928

- Amendment Under §1.116 -

Finally, Murayama '006 was asserted for allegedly teaching the use of separate gas-filled chambers and has nothing to do with the disclosure of a linear motor and at least one gas bearing within the first chamber for contactlessly moving the moveable lens, as required by claim 1.

For at least these reasons, Applicants submit that neither the Suzuki '109 nor the Hunter '598 reference teach the claimed combination of elements recited by amended claim 1. Accordingly, claim 1 is patentable over these references. As such, Applicants respectfully request the immediate withdrawal of the rejection of claim 1, under 35 U.S.C. §103(a). In addition, because claims 2-12, 14-20, 22-24 depend from claim 1, claims 2-12, 14-20, 22-24 are patentable at least by virtue of dependency as well as for their additional recitations.

In addition, because amended independent claims 25, 27, 29, and 31 recite similar patentable features to the features discussed above with respect to claim 1, claims 25, 27, 29, and 31 are patentable for at least the reasons identified with respect to claim 1. Also, because claims 26, 28, 30, and 32 depend from claims 25, 27, 30, and 31, respectively, 26, 28, 30, and 32 are patentable at least by virtue of dependency as well as for their additional recitations.

## II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants submit that the entry of this Amendment is proper under 37 C.F.R. §1.116 as the claim changes: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not require any further consideration as the claim features should have already been searched; and (c) places the application in better form for an Appeal, should an Appeal be necessary.

**DUISTERS - U.S. Pat. Appln. No. 10/807,408**  
**Attorney Docket No.: 081468/0308928**


**- Amendment Under §1.116 -**

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue in which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP  
SHAW PITTMAN LLP**



**E. RICO HERNANDEZ**  
Reg. No. 47641  
Tel. No. (703) 770-7788  
Fax No. (703) 770-7901

Date: May 15, 2006

ERH/dlh  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900